

Appeal Decision

Site visit made on 21 September 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/Q1153/D/22/3290063

Hewton House, Hewton, Bere Alston, Yelverton PL20 7BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Harry Acland against the decision of West Devon Borough Council.
 - The application, Ref. 0735/21/HHO, dated 1 March 2021, was refused by notice dated 21 October 2021.
 - The development proposed is the erection of a stable building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a stable building at Hewton House, Hewton, Bere Alston, Yelverton PL20 7BW in accordance with the terms of the application, Ref. 0735/21/HHO, dated 1 March 2021, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of landscape lying within the designated Tamar Valley Area of Outstanding Natural Beauty ('AONB'), and (ii) the effect on highway safety of the increased use of the existing access at the southern end of the site.

Procedural Matter

3. In the Notice of Refusal the Council has included its view that the development proposed is not appropriate for the Householder procedure on the basis that the land concerned cannot be reasonably described as forming part of a residential garden. However, the application was nonetheless registered and determined under the Householder procedure and because of this and the reasons explained below I shall determine the appeal on this basis.

Reasons

4. The Council's first reason for refusal and much of the officer's report that recommended the decision, including the citation of policies regarded as relevant, is predicated on the assertion that the appeal site is open countryside rather than within a domestic curtilage. However, the red line defining the application site for the stable building also embraces Hewton House, whilst other land to the west is outlined blue as being outside the site but within the same ownership. Moreover, the property is a substantial country house and as such warrants a large country garden. And whilst the main garden extends the
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full width of the house and more, it also extends to a narrower elongated grassed strip with a boundary to the road on its eastern and southern boundaries.

5. The grounds of the appeal say that this strip was an extension to the original garden carried out at least several decades ago if not longer, and from my visit to the site I consider this to be entirely credible. The site has more the appearance of a lawned area for domestic use than a field, whilst the mature tree line along the western boundary supports the concept of a planned garden extension to serve the property. The upper windows of the house have their longer views directly towards the appeal site and at my visit, having entered from the gate on its southern boundary, I was able to walk unencumbered into the wider garden area that stretches up to the south side of the host building.
6. I also note that in a 2009 application for a holiday cottage slightly to the north but within the linear area the subject of this proposal, the then case officer observed that *'The application site is a plot of land, currently used as garden area serving the property Hewton House'*. This was despite the site being edged red and the remainder of the land including Hewton House edged blue in that application, which might well have prompted a different observation in the event of any doubt.
7. Having established it is reasonable to conclude that the proposed development falls within the domestic curtilage of Hewton House, it is axiomatic that the officer's report's application and evaluation of the appeal scheme affords too much weight against the proposal in relation to a range of development plan policies for development in the countryside; horse related developments in the countryside; the landscape impact including the AONB, and the Undeveloped Coast.
8. The objectives of these policies remain broadly relevant but the merits of the application should be considered against the less demanding considerations relating to householder development. These set a lower bar to an approval than the *'substantial development of an undeveloped, remote parcel of land, which is unrelated to the existing dwelling or adjoining land'* (the description of the appeal proposal in the conclusion to the officer's report).
9. Carrying this principle forward I consider that the stables, which are for two ponies and five alpacas, would be of an appropriate size for domestic use. The design and external materials are wholly appropriate for the building and the site is well screened by mature trees on three sides, with this screening to be supplemented on the fourth (northern) side by the proposed earth / grass bank and wild flower planting. The proposed hard surfacing would be of permeable materials sympathetic to the setting. Furthermore, the linear grass strip of land has had previous permissions for a larger stables than now proposed and a holiday cottage, whilst alternative locations much nearer the house are precluded by the garden layout and facilities as well as by the steep gradient of the dwelling's main access.
10. Turning briefly to the second main issue of the safety of the southern access, there is no objection from the Highways Authority and I consider that the single width and nearby bend of this lightly trafficked road are self-regulating as regards the need for extreme caution and low speed where there is limited

forward visibility. Moreover, the stables are for domestic use by the occupiers of Hewton House and whilst I acknowledge there will be some deliveries the extent to which the access will be used is likely to be limited.

11. Overall and also having regard to the support for the application from Bere Ferrers Parish Council (other than one Member suggesting amendments to the access), I conclude that the appeal proposal would neither harm the character and appearance of the AONB landscape nor result in an adverse effect on highway safety. Accordingly, there would be no harmful conflict with Policies TTV26; TTV28; DEV20; DEV23; DEV24; DEV25 & DEV29 of the Plymouth & South West Devon Joint Local Plan 2019; Policy E1 of the Neighbourhood Plan for the Bere Peninsula to 2034 adopted 2018, and Sections 12 & 15 of Government policy in the National Planning Policy Framework 2021.
12. I shall therefore allow this householder appeal. The Council has suggested a number of conditions and I have assessed these against the standard tests including their reasonableness and necessity. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition stipulating the prior submission of materials for the building's construction and the hard surfaced areas will safeguard visual amenity.
13. A condition requiring the approval of any external lighting will assist in the preservation of dark skies and local amenity in this rural area. Finally, a condition restricting the use of the stables to the occupiers of Hewton House is consistent with the purpose of this householder application and will preclude a commercial use which would have implications for the site and its access.
14. The Council also suggested a landscaping condition, but the site is already heavily screened by mature trees and I consider that any additional landscaping in the garden and the construction of the grassed earth bank can be left to the discretion of the applicant. A condition requiring the improvement of the southern access has also been suggested, but I have explained why I consider this to be unnecessary for this domestic access on a narrow country lane. This is also consistent with the Local Highway Authority's decision not to become involved.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans and the annotations thereon: OS based Site Location Plan; Survey Site Plan 562/01 Rev. A; Proposed Site Plan 562/02 Rev. A; Proposed Roof Plan 562/03; Proposed Block Plan 562/04 Rev. A; Proposed Plans 5606; 3D Proposed Plans;
- 3) Prior to their construction / installation, details / samples of the building's wall and roof materials and the access / parking / manoeuvring areas' materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those details / samples as approved and thereafter retained in that form;
- 4) There shall be no external lighting anywhere on the building or within the site other than in accordance with details first submitted to and approved in writing by the Local Planning Authority;
- 5) The stable building and land within the application site shall not be used or occupied other than for purposes ancillary or incidental to the residential use of the dwelling known as Hewton House, Hewton, Bere Alston, Yelverton PL20 7BW.